

**COPY**

Bond City Page 40

1                   AGREEMENT AND RIGHT OF WAY

2  
3                   THIS AGREEMENT, made in the City of  
4                   State of California, 11 July 6th, 1957, by

5                   ERROL K. PLUMING and ALEXANDER  
6                   MURKIN PLUMING, hereinafter  
                  called "Grantors",

7                   and  
8                   CITY OF ALAMEDA, a municipal  
9                   corporation, hereinafter called  
                  "Grantee",

10                  ARTICLE I SETTH:

11                  The Grantors, in consideration of \$1.00 and  
12                  other valuable considerations paid to them by Grantee,  
13                  the receipt whereof is hereby acknowledged, hereby grant,  
14                  and convey to Grantee an easement and right of way for  
15                  the transmission of electric lines, which right of way shall  
16                  be used for which, and shall stand equally open such time  
17                  as the same is of said Grantors and right of way, or until  
18                  as follows:

19                  A written description of land the center line  
20                  of which is described as follows: That portion  
21                  of lot 10, Block 12 of Article 11 Heighted,  
22                  in the City of Alameda, State of California,  
23                  as recorded in record 1, page 20 and 21 of  
24                  Maps, recorded at San Joaquin County, Cali-  
25                  fornia; starting at the northeast corner of said  
   lot; bearing due North 30° West, a  
   distance of 12' from the true point of  
   beginning; bearing North 29° 54' West, a  
   distance of 17' 10" from the last to the  
   northeast corner of the aforesaid  
   lot.

REGRANTING the Grantor the right to use said  
right of way and roadway in any manner, provided, however,  
that same use and enjoyment shall not interfere with the  
use of the property for the right of way in accordance  
therewith.

**COPY**

Page 1.

9/13/57

Bock 2147 Page 3142

**COPY**

1           The parties hereto covenant and agree with each  
2           other as follows:

3           I.

4           That grantee shall have the right to cut brush and  
5           limb or remove trees from said right of way and to dig holes  
6           for, and to erect its poles, crossarms and lines of power  
7           right of way, and to maintain the same, and grantee shall at  
8           all times have the right to enter upon said premises and  
9           to all that may, be reasonable, proper and necessary thereon  
10          in connection with the purposes for which said right of way  
11          and easement is granted; grantee shall permit no less than  
12          one employee to enter thereof.

13           II.

14          The grantee agrees that if and in the event its  
15          poles, wires or facilities located on the right of way and  
16          in connection with the purposes for which said right of way  
17          and easement is granted, shall obstruct or interfere with any  
18          future subdivision or development of the above described land  
19          respectively, the grantee shall, at its own cost and expense, sum-  
20          within 60 days after receipt of written notice requesting the  
21          same, move and relocate said transmission lines and facilities  
22          and such part or parts thereof as may be necessary to avoid  
23          such obstruction or interference, to another and different  
24          location and right of way and easement upon, over and across  
25          the real property of the landowner, which other location and  
26          right of way boundaries shall be mutually agreed upon by the  
27          parties hereto, and shall be granted by grantee to grantee  
28          with an additional consideration shall be steeper than such  
29          elevation.

30           III.

31          That grantee shall reimburse grantor for any dam-  
32          age to citrus trees, or to any other growing crop that may

**COPY**

# COPY

1 be caused by any branch of the Army, or by travelling over  
2 or upon said night of way.

3 IN WITNESS WHEREOF, subscriber has hereunto set  
4 their hands and affixed his seal this day to be witness,  
5 duly attested, and it's agreement to be executed at the  
6 Major and City Clerk the day and year first above written.

7 /s/ Report of Major

8 /s/ Adjutant General

9 Granbury

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  

# COPY